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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,463	06/26/2003	Benjamin Thomas Percer	200208051-1	3495

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EXAMINER
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BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

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08/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,463	<b>Applicant(s)</b> PERCER ET AL.	
	<b>Examiner</b> Aditya S. Bhat	<b>Art Unit</b> 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-14, 16-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

According to applicant's specification the IPMI protocol is an open standard that provides a standardized message interface between a management application running on a host processor and the hardware platform.

Claims 1-7, 10-14, 16-22 and 26 either directly or indirectly contains the standard or trade name IPMI. Where a standard or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the standard or trade name cannot be used properly to identify any particular material or product. A standard or trade name is used to identify a source of goods, and not the goods themselves. Thus, standard or trade name does not identify or describe the goods associated with

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the standard or trade name. In the present case, the IPMI name is used to identify/describe an open standard and, accordingly, the identification/description is indefinite.

Claim 1 recites the limitation "said controller" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether applicant is referring to the BMC or another controller.

Claim 3 recites the limitation "said voltage adjuster" in line 5. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether applicant is referring to the digital voltage adjuster or another voltage adjuster.

Claim 4 recites the limitations "said voltage adjuster" in line 3, "said controller" in lines 4-5 and "said regulator" in lines 3-4. There is insufficient antecedent basis for these limitations in the claim. It is not clear whether the "regulator" is referring to the "voltage regulator".

Claim 5 recites the limitation "said controller" in line 5 and "the regulator" in line 6. There is insufficient antecedent basis for these limitations in the claim.

Claim 6 recites the limitations "said controller" in lines 2 & 4 and "said regulator" in lines 2-3. There is insufficient antecedent basis for these limitations in the claim. It is not clear whether the "regulator" is referring to the "voltage regulator".

Claim 7 recites the limitations "said voltage adjuster" in line 3, "said controller" in lines 4-5 and "said regulator" in lines 3-4. There is insufficient antecedent basis for these limitations in the claim. It is not clear whether the "regulator" is referring to the "voltage regulator".

Claim 10 recites the limitation "said voltage adjuster" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "said controller" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "said controller" in lines 7 & 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "said voltage adjuster" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "said voltage adjuster" in line 1, "said controller" and "said regulator" in line 5. There is insufficient antecedent basis for these limitations in the claim.

Claim 19 recites the limitation "said voltage adjuster" in line 6 and "the adjuster" in lines 6-7. There is insufficient antecedent basis for these limitations in the claim.

Claim 20 recites the limitation "said controller" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "said voltage adjuster" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "said controller" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "said controller" in line 5 & 14, and "said voltage adjuster" in line 9. There is insufficient antecedent basis for these limitations in the claim.

Claim 24 recites the limitation "said controller" in line 3 and "said adjuster" in line 4. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 19 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Devlin et al. (USPN 6,710,621).

With regards to claim 1, Devlin et al. (USPN 6,710,621) teaches a system for voltage margin testing of one or more components of said system, comprising:

a Baseboard management controller (BMC)(fig 7) that implements an intelligent platform management interface (IPMI) protocol, the BMC internal to said electronic system; (see above 112 rejection) and

a digital voltage adjuster in communication with said controller and with said one or more components, said voltage adjuster affecting generation of one or more test voltages for application to said components in response to commands from the controller. (Col. 17, lines 20-37) (Predetermined signaling scheme and voltage levels)

With regards to claim 14, Devlin et al. (USPN 6,710,621) teaches computer system, comprising:

a processor;(10;fig 1)

a plurality of components in communication with said processor for performing a plurality of tasks;(Vboard ;fig 1 & 3)

a Baseboard management controller (BMC)(fig 7) that implements an intelligent platform management interface (IPMI) protocol(see above 112 rejection); and

a digital voltage adjuster in communication with said controller and one or more of said components, said adjuster affecting generation of one or more test voltages for application to selected ones of said components for voltage margin testing thereof in response to commands from said controller. (Col. 17, lines 20-37) (Predetermined signaling scheme and voltage levels)

With regards to claim 19, Devlin et al. (USPN 6,710,621) teaches method for voltage margin testing of one or more components of an electronic system, having an internal controller, and a digital voltage adjuster, in communication with said controller and with at least a power rail supplying voltage to said components, comprising:

the BMC transmitting one or more commands to said voltage adjuster to cause the adjuster to affect generation of one or more test voltages at said power rail; (Col. 17, lines 20-37) (Predetermined signaling scheme and voltage levels)

monitoring response of said computer system to each of said test voltages; (Col. 17. lines 38-45) and

storing information regarding a response of said electronic system to at least on of said test voltages. (Col. 17, line 44)

With regards to claim 24, Devlin et al. (USPN 6,710,621) teaches a system for voltage margin testing of one or more components of said system, comprising:

a baseboard management controller (BMC) internal to said electronic system (200; fig 7) and

a digital voltage adjuster configured to communicate with said controller and to affect generation of one or more test voltages for application to said one or more components in response to commands from the controller; (Col. 17, lines 20-37) (Predetermined signaling scheme and voltage levels)

a voltage regulator configured to receive an input voltage and generate a regulated output voltage for application to a power rail, said voltage adjuster being coupled to said regulator for varying said regulated output voltage in response to commands from said controller, (fig 5) and

a hardware monitor in communication with said regulator and said controller, said hardware monitor configured to measure said output voltage of said regulator and transmit said measured voltage to said controller. (Fig. 5-6)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoon et al. (USPN 6,359,459) teaches a integrated circuits including voltage-controllable power supply systems that can be used for low supply voltage margin testing and related methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Aditya Bhat  
July 17, 2007